

MICHIPICOTON MINING DIVISION.

SET APART BY ORDER IN COUNCIL, SEPTEMBER 9, 1897

REVISED AND AMENDED

REGULATIONS FOR MINING DIVISIONS.

APPROVED BY ORDER IN COUNCIL, APRIL 7, 1899.

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MICHIPICOTON MINING DIVISION.

Copy of an Order-in-Council approved by His Honor the Lieutenant-Governor, the 9th day of September, A.D. 1897.

Upon consideration of the annexed memorandum of the Director of the Bureau of Mines, dated 8th September, 1897,* and upon the recommendation of the Honorable the Commissioner of Crown Lands, the Committee of Council advise that the tract first mentioned in the said memorandum, namely, the tract limited upon its east side by the meridian of the east end of Dog Lake, or say eighty-four degrees west from Greenwich, on the south side by the latitude of Cape Gargantua, say forty-seven degrees thirty-six minutes, on the north side by the latitude of forty-eight degrees thirty minutes, and between the westerly ends of these lines of latitude, where they touch Lake Superior, by the shore line of said Lake, containing about five thousand square miles, be so declared a Mining Division, and that the name thereof be the "Michipicoton Mining Division."

Certified,

J. R. CARTWRIGHT,

Clerk, Executive Council.

*Not Printed.

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REGULATIONS FOR MINING DIVISIONS.

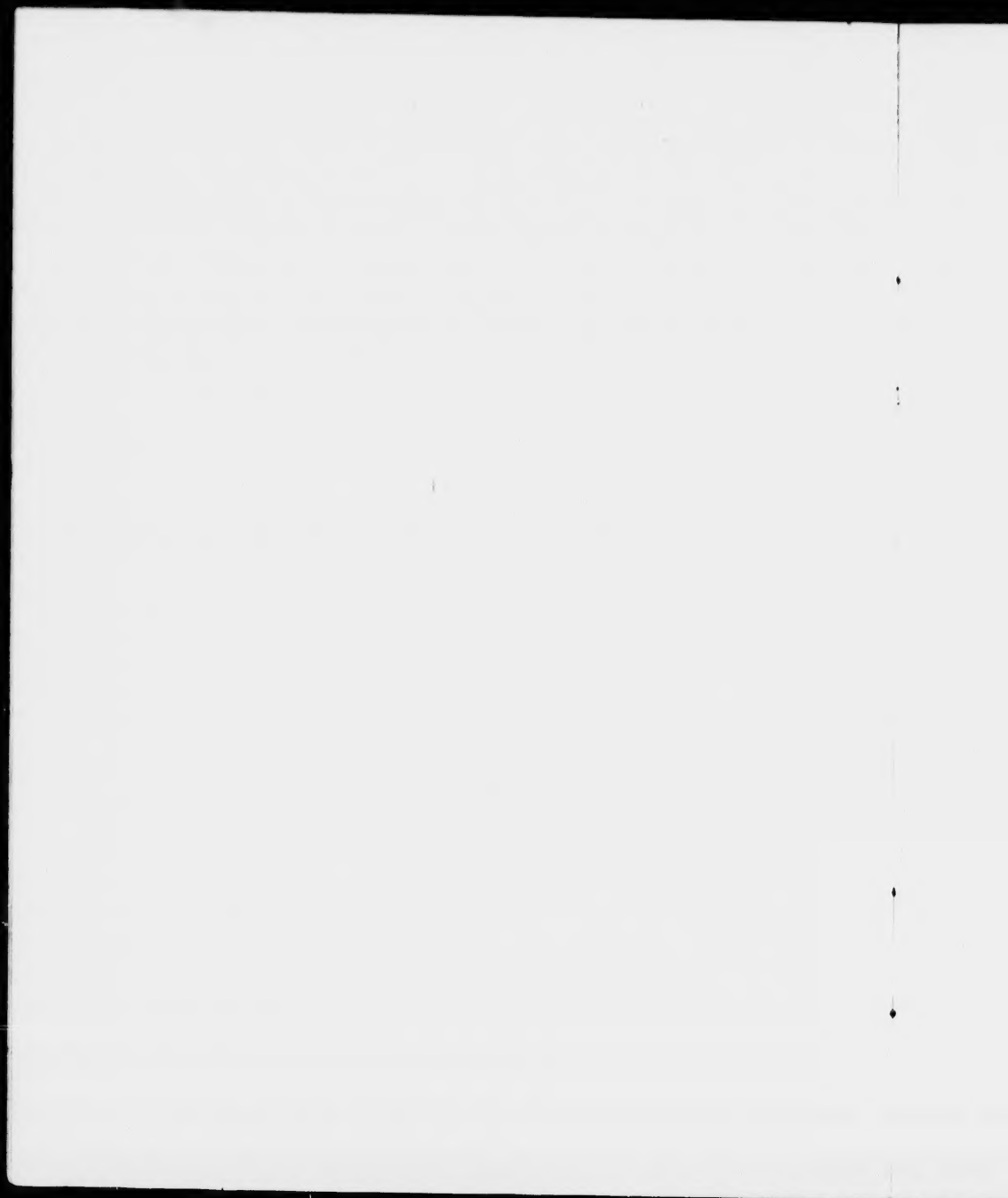
Copy of an Order-in-Council approved by His Honor the Lieutenant Governor, the 7th day of April, A.D. 1899.

Upon the recommendation of the Honorable the Commissioner of Crown Lands, the Committee of Council advise that the accompanying draft amended regulations for Mining Divisions be approved of by Your Honor.

Certified,

J. LONSDALE CAPREOL,

Asst. Clerk, Executive Council.



REVISED AND AMENDED REGULATIONS FOR MINING DIVISIONS.

Approved by the Lieutenant-Governor in Council,
April 7th, 1899.

1. Any person may explore for minerals on any Crown Lands not for the time being marked or staked out and occupied, except on such lands as by the Lieutenant-Governor in Council may have been withdrawn from sale, location or exploration as being valuable for their pine timber or for any other reason.

2. Where Crown Lands are situated within a Mining Division they may be occupied as Mining Claims under miners' licenses.

3. The Lieutenant-Governor may appoint for every Mining Division or for any part thereof an Inspector, who shall be an officer of the Bureau of Mines.

4. Every Inspector shall have power to enter, inspect and examine any mine or portion thereof or works connected therewith relating to the health and safety of the persons employed in or about the mines or works, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or works, or any portion thereof, or any matter, thing or practice, to be dangerous or defective, and to require the same to be remedied within the period of time named in such notice ; and on the occasion of any examination or inspection of a mine the owner shall produce to the Inspector, if required so to do, an accurate plan of the

workings thereof up to the time of such inspection, and shall also permit the Inspector to take a copy or tracing thereof.

5. Every Inspector shall be *ex officio* a Justice of the Peace of the county or united counties, district or districts which a mining Division comprehends or includes, in whole or in part, or in which or in any portion of which a Mining Division lies.

6. Every Inspector shall have power, within the Mining Division for which he has been appointed, to settle summarily all disputes between licensees as to the existence or forfeiture of mining claims, and the extent and boundary thereof and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions which may arise between licensees; and the decision of the Inspector in all such cases shall be final except where otherwise provided by the Mines Act, or where another tribunal is appointed under authority of the Act; and no case under the Act shall be removed into any Court by *certiorari*.

7. Every Inspector of a Mining Division appointed under the Mines Act may appoint any number of constables not exceeding four; and the persons so appointed shall be constituted constables and peace officers for the purposes of the Act for and during the terms and within the Mining Divisions for which they are appointed.

8. No person shall be appointed or authorized to act as an Inspector who practices, or acts, or is a partner of any person who acts as a mining agent, or who is employed by the owners of or is interested in any mine.

9. The Director of the Bureau of Mines shall have all the powers, rights and authority throughout the Province which an Inspector has or may

exercise in any Mining Division, and such other powers, rights and authority for the carrying out of the provisions of the Mines Act as shall be assigned to him by regulation.

10. No Director, Inspector or other officer appointed under the Mines Act shall directly or indirectly purchase or become interested in any Crown lands or mining claim; and any such purchase or interest shall be void; and if any officer violates this regulation he shall forfeit his office and be liable in addition to a penalty of \$500 for every such offence, to be recovered in an action by any person who sues for the same.

11. The Lieutenant Governor in Council may by Order declare any tract of country therein described to be a Mining Division; and by any subsequent Order in Council may add to or diminish the limits of the Division, or may otherwise amend any such Order, or may cancel the same.

12. On payment of a fee of \$10, or such other sum as may be fixed by regulation, the Director of the Bureau of Mines (or the Inspector of a Division when so authorized by the Commissioner of Crown Lands) may grant to any person, registered partnership, or mining company incorporated under the laws of the Province applying therefor a license to be called a "miner's license," which shall be in force for one year from the date thereof, and shall not be transferable except with the consent of the Director of the Bureau or the Inspector of the Division upon payment of a fee of \$5.

13. The person, partnership or company named in a license shall be called the "licensee," and upon payment of the fee fixed by law or regulation, such licensee shall have the right to renewal if application is made therefor before the expiration of the license or within ten days thereafter.

14. Every licensee shall produce and exhibit his license to the Inspector for the Division, and prove to the satisfaction of the Inspector that it is in force, at the time of recording his claim, and at any other time when required by the Inspector so to do.

15. A Miner's license shall authorize the licensee to explore any portion of the Mining Division named in his license, and to mine during one year from the date of the license on any mining claim marked or staked out by such licensee on Crown lands, and he may employ any person to assist him in working such claim, or may organize a company to work the same, but no licensee shall have the right to cut down or use any timber which may be upon his claim except for purposes of building, fencing or fuel, or other purposes necessary for working the mine upon the said claim.

16. A licensee who discovers a vein, lode or other deposit of ore or mineral in place within the Division mentioned in his license shall have the right to mark or stake out thereon a mining claim, providing that it is not included in a claim occupied by another licensee, or is not on Crown lands withdrawn from location or exploration, or on lands the minerals and mining rights whereof have been reserved by the Crown; and he shall have the right to work the same, or he may transfer his interest therein to another licensee upon payment of a fee of \$5 to the Inspector of the Division, who shall record the transfer in his book.

17. If the working conditions have been complied with as hereinafter required for a period of four years on a claim of twenty chains square, or for three years on a claim of fifteen chains square or less, or when the equivalent of such working con-

ditions has been complied with in a less period of time in the respective cases, the licensee may apply for and obtain a certificate of full performance of the working conditions for the claim free from any further working conditions, renewal fee or miner's license to work the same, and also a patent or lease for the land embraced in the claim, free from any further working conditions and miner's license to work the same, upon a survey thereof being made and filed according to section 27 of *The Mines Act*, R.S.O. 1897, the boundary lines in each survey to follow the courses of the lines of the claim as originally staked out and recorded, or as the lines may have subsequently been altered, changed or corrected by the Inspector, and upon payment therefor to the Department of Crown Lands of the purchase price or first year's rental at a rate per acre as provided in sections 31 and 35 respectively of the said Act; and the time when the royalties may begin to be imposed or collected upon ores or minerals mined, wrought or taken from a claim so patented or leased shall be reckoned from the date of recording such claim in the Inspector's office. The Commissioner of Crown Lands in granting patents under this regulation may grant at the same price to the owner of a claim any contiguous fraction or piece of land not staked of a less size than ten acres if surrounded by staked claims

18. A mining claim shall be marked or staked out by planting a discovery post of wood or iron (on which is written or stamped the name of the licensee, number of his license, and date of his discovery) upon an outcropping or show of ore or mineral in place within the boundaries of the claim, and by planting at each of the four corners a post of wood or iron in the order following viz.: No. I. at the northeast corner, No. II. at the southeast corner, No. III. at the

southwest corner, and No. IV. at the northwest corner, the number in each case to be on the side of the post towards the post which follows it in the order in which they are named. See fig. 1.

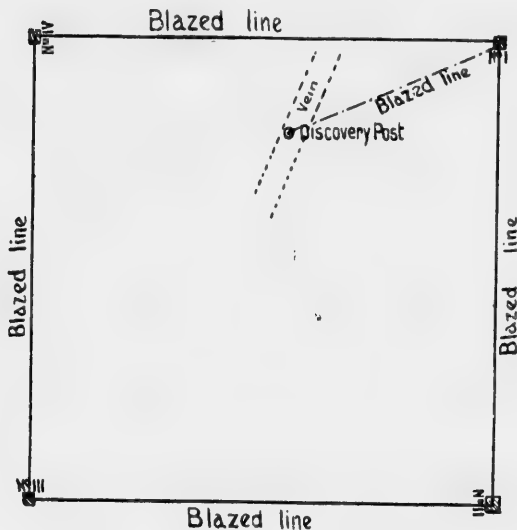


Fig No I.

19. If one or more corners of a claim fall in any situation where the nature or shape of the ground renders the planting of a post or posts impracticable, such corner or corners may be indicated by placing at the nearest suitable point a witness post, which in that case shall contain the same marks as those prescribed for corner posts, together with the

letters "w. p." (witness post) and an indication of the bearing and distance of the site of the true corner from such witness post. See fig. 2.

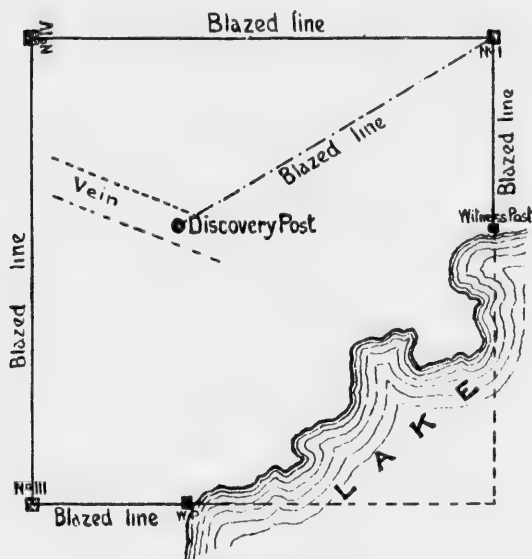


Fig No2.

20. Where there are standing trees upon a mining claim so staked out, the licensee shall be required to blaze the trees and cut the underbrush along the boundary lines of the claim, and also along a line from the first corner post to the discovery post.

21. A mining claim shall be a square of fifteen chains or 990 feet, horizontal measurement, containing twenty-two and one-half acres, or of such other extent, greater or less, but so as not to exceed

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a square of twenty chains or 1,320 feet, containing forty acres, and shall be laid out with boundary lines running north and south and east and west astronomically, and the ground included in each claim shall be deemed to be bounded under the surface by lines vertical to the horizon; but an irregular portion of land lying between two or more claims may be staked out with boundaries contiguous thereto, provided that its area shall not exceed forty acres. A valuable waterpower lying within the limits of a claim shall not be deemed as part of it for the uses of the licensee.

22. No more than one claim shall be staked out by any individual licensee upon the same vein, lode or deposit of ore or mineral, unless such claim is distant at least sixty chains from the nearest known mine, claim or discovery on the same vein, lode or deposit, but no licensee shall stake out and record in the same Mining Division, within a radius of fifteen miles, more than four claims in one calendar year.

23. For each additional mining claim after the first marked or staked out by a licensee, whether upon the same vein, lode or deposit, or upon another, he shall pay to the Inspector of the Division a fee of \$10 a year in advance when recording the same if the area is more than twenty-two and one-half acres and \$6 if it is twenty-two and one-half acres or less, and a like fee in each case shall be paid for every additional claim so held at the time of renewal of the license.

24. Every Inspector of a Mining Division shall keep a book for the recording of mining claims therein, and such book shall be open to inspection by any person on payment of a fee of twenty cents.

25. Every licensee who has marked or staked out a mining claim shall, within thirty days there-

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after, supply under oath to the Inspector of the Division an outline sketch or plan thereof, showing the discovery post and corner posts, and the witness posts (if any) and their distances from each other in feet, together with a notice in writing setting forth under oath the name of the licensee and the number of his license, the name (if any) of the claim and its locality as indicated by some general description or statement, the length of the boundary lines if for any cause they are not regular and the nature of such cause, the situation of the discovery post as indicated by distance and direction from the first corner post, the time when discovery of ore or mineral was made and when the claim was marked or staked out and the date of the said notice; and every licensee shall accompany his sketch or plan and notice with an affidavit showing the discovery of valuable ore or mineral upon the claim by or on behalf of such licensee, and that he has no knowledge and has never heard of any adverse claim by reason of prior discovery or otherwise.

26. The Inspector shall forthwith enter in his book the particulars of the notice of claim presented by every licensee, and shall file the notice, sketch or plan and affidavit with the records of his office, and if there is no dispute as to the rights of the licensee to the claim by reason of prior discovery or otherwise, the Inspector may at the expiration of ninety days from the date of the record thereof grant to the licensee a certificate of such record.

27. If the licensee fails to comply with the provisions of Regulation 25 so far as they relate to him, or if, having complied with them, he or any person in his behalf shall remove any post for the purpose of changing the boundaries after the plan and notice have been filed, the mining claim

marked or staked out by him shall be deemed to be forfeited and abandoned, and all right of the licensee therein shall cease.

28. A mining claim shall also be deemed to be forfeited and abandoned and all right of the licensee therein shall cease in case the miner's license has run out and has not been renewed, or if the annual fee for a claim has not been prepaid, or if \$150 has not been expended upon each claim taken up except as hereinafter provided in stripping, or in opening up mines, in sinking shafts, or in other actual mining operations, exclusive of all houses, roads and other like improvements in every calendar year, and the said expenditure shall consist of labour actually performed by grown men to be computed at the rate of \$2 per man per day. Nevertheless it shall be competent for the licensee to prove that during one or more preceding years the extent of mining operations carried on has been adequate to cover the requirements for the year in default, in which case the claim shall not be cancelled, and the licensee may also defeat forfeiture by an undertaking with satisfactory security to expend the full amount of labor required for working conditions within the next succeeding year, including the operations in default.

29. For every five claims or less held by the same licensee or by different persons agreeing to combine their mining operations within a radius of one mile, all such mining operations may be carried on upon one of the claims ; but notice of an intention to carry on such operations must be filed with the Inspector, and a record of all mining operations carried on by a licensee during his license year verified by oath shall be filed with the Inspector, who shall enter an abstract thereof in his book.

30. A licensee may at any time abandon a mining claim by giving notice in writing to the Inspec-

tor of the Mining Division of his intention so to do, and from the date of the record of such notice in the Inspector's book all interest of the licensee in such claim shall cease.

31. A party wall at least fifteen feet thick (seven and one-half feet on each side of the boundary lines) shall be left between adjoining claims on Crown lands, which shall be used in common by all parties as a roadway for all purposes, and shall not be obstructed by any person throwing soil, stone or other material thereon; and if it is found necessary or expedient to remove such party wall the person so removing it shall if required construct a new roadway in no wise more difficult of approach than the one destroyed by the removal of the party wall; and every person obstructing a party wall or failing to construct a new roadway in place of the one destroyed shall be liable to a fine of not more than \$5 and costs, or in default to be imprisoned for any period not exceeding one month.

32. No person mining upon Crown lands shall cause damage or injury to the holder of another claim, by throwing earth, clay, stones or other material thereon, or by causing or allowing water to flow into or upon such other claim from his own, under a penalty of not more than \$5 and costs, and in default of payment he may be imprisoned for any period not more than one month.

33. Any person who removes or disturbs with intent to remove any stake picket or other mark placed under the provisions of the Mines Act shall forfeit and pay a sum not exceeding \$20 and costs; and in default of payment may be imprisoned for any period not exceeding one month.

34. Any person contravening Part III. of the Mines Act or any rule or regulation made under it,

in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs; and in default of payment may be imprisoned for a period not exceeding one month.

35. Every person who pulls down, injures or defaces any rules, notice or abstract posted up by the owner or agent of a mine shall be guilty of an offence against the Mines Act.

36. Every person who wilfully obstructs an Inspector in the execution of his duty under the Mines Act, and every owner or agent of a mine who refuses or neglects to furnish to the Inspector the means necessary for making an entry, inspection, examination or enquiry under the Mines Act in relation to such mine shall be deemed to be guilty of an offence against the Act.

37. Every Inspector of a Mining Division may convict upon view of any of the offences punishable under the provisions of Part III. of the Mines Act or any regulations made thereunder.

38. The Lieutenant-Governor in Council may, as often as occasion requires, declare by proclamation that he deems it necessary that the Act respecting Riots near Public Works (R. S. O. 1897, chap. 38,) shall, so far as the provisions therein are applicable, be in force within any Mining Division; and upon and after the day to be named in any such proclamation section 1 and sections 3 to 11 inclusive of the said Act, so far as the provisions thereof can be applied therein, shall take effect within the Mining Division designated in the proclamation; and the provisions of the said Act shall apply to all persons employed in any mines, or in mining within the limits of such Division, as fully

and effectually to all intents and purposes as if the persons so employed had been specially mentioned and referred to in the said Act.

39. All the provisions of Part IV. of the Mines Act, R.S.O., 1897, being the Part under the heading of Mining Regulations, shall apply in every particular to all mines and other openings from which ore or mineral of any kind or class is raised or taken, and to all works for smelting, milling or otherwise treating ores or mineral for any economic objects, which are situated within the limits of a Mining Division.
